

EXHIBIT A

The Honorable Marsha J. Pechman

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DIANNE KELLEY,)
Plaintiff,)
v.)
MICROSOFT CORPORATION, a Washington corporation,)
Defendant.)
)
)
)
No. C 07-475 MJP
MICROSOFT'S INITIAL
DISCLOSURES

Pursuant to Fed. R. Civ. P. 26(a)(1), defendant Microsoft Corporation (“Microsoft”) makes the following initial disclosures. Microsoft makes these disclosures based on the status of this case as an individual action, which Microsoft believes should not be certified as a class action.

A. Individuals Likely to Have Discoverable Information.

Subject to the limitations set forth above, Microsoft believes the following individuals may have discoverable information that it may use to support its claims or defenses:

1. Managers and Engineers, Windows Client Product Group
Microsoft Corporation
c/o Davis Wright Tremaine LLP

Microsoft may call one or more managers and engineers from its Windows Client Product Group to testify concerning the features of the Windows Vista editions, the hardware and software configurations required or recommended to implement those features, and the

DEFENDANT MICROSOFT'S INITIAL DISCLOSURES PURSUANT
TO FED. R. CIV. P. 26(a)(1) (CV 06-1720 MJP) — 1
SEA 2040051v1 0025936-000689

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1 Windows Vista Capable and Express Upgrade programs. The following persons may be
 2 called to testify about these subjects:

3 William Poole, Corporate Vice President—Market Expansion Group

4 Greg Taylor, Senior PreSales Engineer

5 2. Managers, Windows Product Marketing Group

6 Microsoft Corporation

c/o Davis Wright Tremaine LLP

7 Microsoft may call one or more managers from its Windows Product Marketing
 8 Group to testify concerning the features of the Windows Vista editions, the hardware and
 9 software configurations required or recommended to implement those features, the Windows
 10 Vista Capable and Express Upgrade programs (including the terms of those programs, the
 11 agreements under which PC manufacturers and resellers participated, and the bulletins and
 12 other materials in which Microsoft described those programs), and Microsoft's
 13 communications with PC manufacturers, resellers, end-users, and prospective end users on
 14 these subjects. They may also be called to testify about the meaning of the Windows Vista
 15 Capable and Premium Ready designations, and how to determine which Windows Vista
 16 editions and features different PCs would support. The following persons may be called to
 17 testify about these subjects:

18 Greg Amrofell, Senior Product Manager—PMG Future

19 David Dwyer, Chief Story Teller—Windows Brand PMG

20 Rajesh Srinivasan—Business Program Manager

21 Susan Ward, Senior Marketing Manager—Windows Product Marketing

22 3. Managers, OEM Group

23 Microsoft Corporation

c/o Davis Wright Tremaine LLP

24 Microsoft may call one or more managers from its OEM Group to testify concerning
 25 the materials Microsoft made available to PC manufacturers and resellers describing the
 26 features of the Windows Vista editions and the hardware and software configurations required

27 DEFENDANT MICROSOFT'S INITIAL DISCLOSURES PURSUANT
 TO FED. R. CIV. P. 26(a)(1) (CV 06-1720 MJP)—2

SEA 2040051v1 0025936-000689

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1 or recommended to implement those features, the Windows Vista Capable and Express
 2 Upgrade programs (including the terms of those programs, the agreements under which PC
 3 manufacturers and resellers participated, and the bulletins, statements, and other materials in
 4 which Microsoft described those programs), Microsoft's communications with PC
 5 manufacturers and resellers on these subjects, and materials prepared to assist them in
 6 marketing Windows Vista software and PCs under the Windows Vista Capable and Express
 7 Upgrade programs. The following persons may be called to testify about these subjects:

8 Gerrit Bergsma, Senior Director—OEM at Retail

9 Gareth Bowen, Director—Marketing OEM

10 Sarah Kavanaugh, Lead Marketing Manager

11 Patrick Kennedy, Group Product Manager—OEM

12 Rose Perez, Licensing & Programs Manager—OEM

13 James Totton, General Manager—OEM Business Development

14 4. Managers, Worldwide Channel Marketing Group

15 Microsoft Corporation

c/o Davis Wright Tremaine LLP

16 Microsoft may call one or more managers from its Worldwide Channel Marketing

17 Group to testify concerning the materials Microsoft made available to resellers describing the
 18 features of the Windows Vista editions and the hardware and software configurations required
 19 or recommended to implement those features, and assisting them in marketing Windows Vista
 20 software and PCs under the Windows Vista Capable and Express Upgrade programs. The
 21 following persons may be called to testify about these subjects:

22 Christian Johannesson, Business Development Manager

23 Diane Reischling, Group Field Marketing Manager—Worldwide Retail

24
 25
 26
 27 DEFENDANT MICROSOFT'S INITIAL DISCLOSURES PURSUANT
 TO FED. R. CIV. P. 26(a)(1) (CV 06-1720 MJP) — 3

SEA 2040051v1 0025936-000689

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1 5. Managers, Windows Product Marketing Group Communications
 2 Microsoft Corporation
 3 c/o Davis Wright Tremaine LLP

4 Microsoft may call one or more managers from its Windows Product Marketing
 5 Group Communications to testify concerning articles and other materials published in
 6 newspapers, magazines, and online describing the features of the Windows Vista editions, the
 7 hardware and software configurations required or recommended to implement those features,
 8 the Windows Vista Capable program, and the Express Upgrade program.

9 6. Managers, Customer Support Services
 10 Microsoft Corporation
 11 c/o Davis Wright Tremaine LLP

12 Microsoft may call one or more Customer Support Services Managers to testify
 13 concerning its customer service records, if any, relating to Ms. Kelley's acquisition or use of
 14 Microsoft software, or communications with Microsoft concerning Microsoft software or the
 15 Windows Vista Capable or Express Upgrade programs.

16 7. Testifying Expert Witness
 17 c/o Davis Wright Tremaine LLP

18 Microsoft has not retained a testifying expert witness. Depending in part upon
 19 whether Plaintiff designates such an expert, Microsoft may designate one or more experts.
 20 The substance of any expected expert testimony will be disclosed at the time and in the
 21 manner contemplated by the applicable rules and any scheduling order entered by the Court.

22 Microsoft hereby reserves its right to amend and/or supplement the foregoing with the
 23 names and addresses of additional fact and expert witnesses, whose identity it may discover as
 24 this case proceeds. Further, Microsoft reserves the right to amend and/or supplement this
 25 response in the event the Court certifies this matter as a class action.

26 B. *Documents*

27 Based on information known to Microsoft as of this date, the following categories of
 28 documents, electronically stored information, or tangible things may be used to support its
 29 claims or defenses with respect to Ms. Kelley's claims:

30 DEFENDANT MICROSOFT'S INITIAL DISCLOSURES PURSUANT
 31 TO FED. R. CIV. P. 26(a)(1) (CV 06-1720 MJP) — 4
 32 SEA 2040051v1 0025936-000689

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- 1 • Records relating to the features of the Windows Vista editions and the hardware
2 and software configurations required or recommended to implement those
3 features.
- 4 • The agreements under which PC manufacturers and resellers participated in the
5 Windows Vista Capable and Express Upgrade programs.
- 6 • The bulletins, statements, and other materials by which Microsoft communicated
7 the terms of the Windows Vista Capable and Express Upgrade programs to PC
8 manufacturers and resellers.
- 9 • The materials Microsoft made available to PC manufacturers and resellers
10 describing the features of the Windows Vista editions and the hardware and
11 software configurations required or recommended to implement those features,
12 and assisting them in marketing Windows Vista software and PCs under the
13 Windows Vista Capable and Express Upgrade programs.
- 14 • The materials Microsoft made available on its Web site and otherwise to end-users
15 and prospective end-users of its software describing the features of the Windows
16 Vista editions, the hardware and software configurations required or recommended
17 to implement those features, the Windows Vista Capable Program, the meaning of
18 the Windows Vista Capable and Premium Ready designations, and how to
19 determine which Windows Vista editions and features different PCs would
20 support.
- 21 • The materials Microsoft made available on its Web site and otherwise to end-users
22 and prospective end-users of its software describing the Express upgrade program.
- 23 • Articles and other materials published in newspapers, magazines, and online
24 describing the features of the Windows Vista editions, the hardware and software
25 configurations required or recommended to implement those features, the
26 Windows Vista Capable program, and the Express Upgrade program.

27 DEFENDANT MICROSOFT'S INITIAL DISCLOSURES PURSUANT
TO FED. R. CIV. P. 26(a)(1) (CV 06-1720 MJP) — 5
SEA 2040051v1 0025936-000689

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- Customer service or other records, if any, relating to Ms. Kelley's acquisition or use of Microsoft software, or communications with Microsoft concerning Microsoft software or the Windows Vista Capable or Express Upgrade programs.

Microsoft hereby reserves its right to amend and/or supplement the foregoing response with other categories of documents, electronically stored information or tangible things that may be revealed during the course of discovery. Further, Microsoft reserves the right to amend and/or supplement its response in the event the Court certifies this matter as a class action.

C. *Damages*

Microsoft has not made a claim for damages.

D. Insurance

Ms. Kelley's individual claim does not implicate any insurance coverage, in that her maximum conceivable recovery falls within the deductible (or self-insured retention) of any potentially applicable policy. Should this matter be certified as a class action, which Microsoft believes it should not, documents responsive to Fed. R. Civ. P. 26(a)(1)(D) will be made available for inspection and copying at the office of Davis Wright Tremaine LLP.

DATED this 18th day of June, 2007.

Davis Wright Tremaine LLP
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TO FED. R. CIV. P. 26(a)(1) (CV 06-1720 MJP) — 6**

SEA 2040051v1 0025936-000689

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CERTIFICATE OF SERVICE

I hereby certify that on June 18, 2007, I served Defendant Microsoft's Initial Disclosures Pursuant to Fed. R. Civ. P. 26(a)(1) on the following persons, by e-mail and United States mail:

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DATED this 18 day of June, 2007.

**Davis Wright Tremaine LLP
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DEFENDANT MICROSOFT'S INITIAL DISCLOSURES PURSUANT
TO FED. R. CIV. P. 26(a)(1) (CV 06-1720 MJP) — 7
SEA 2040051v1 0025936-000689

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